IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.16377 of 2008
SAJO SINGH @ SANJEET KUMAR
Versus
STATE OF BIHAR
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5. **18.8.2008** Heard.

The case is under Section 302 IPC. The petitioner is the assailant of the deceased and is in custody since 2nd March, 2005. The prayer for bail is on the ground of continuous confinement and the trial not being brought to a conclusion. The order passed by this court on a couple dates appear indicating the anxiety of this court about the incarceration of the petitioner and the non-conclusion of the trial. The last order dated 27.6.2008 was seeking a report from the Superintendent of Police, Rural, Patna/Superintendent of Police, Barh on the execution of the warrant of arrest issued against the witnesses by producing them before the learned trial Judge. A report has been received from the Dy.S.P., Barh which appears at flag-Y and it indicates that the warrant of arrest has been received by the officer-in-charge of Athmalgola police station on 22.7.2008. The report of the learned Trial Judge on the reasons for not concluding the trial appears at flag-X and paragraph-E of that report indicates as if the court had already issued the warrant of arrest non-bailable against the witnesses. This report by the trial court is dated 19th May, 2008. Thus, the Dy.S.P., Barh appears contradicting the report of the learned Trial Judge about the issuance of the warrant of arrest. At any rate the Dy.S.P., Barh has made a report to this court that

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the witnesses could be produced on 30.7.2008 before the learned Trial Judge for their evidence. The court believes that the witnesses have been produced and either they have been examined or they are under the process of being examined and considering that the prayer for bail of the petitioner is hereby dismissed.

Let the trial court read the present order carefully and make a report whether it had really got the witnesses produced before it in execution of the warrant of arrest. The court below is also directed, in case of non-examination of W/A issued by it to make a report after seeking an explanation from the officer-in-charge of Athmalgola police station as also the Dy.S.P., Barh about the non-execution of the warrant of arrest so that this court could examine starting the contempt proceeding against the police officer.

Let a copy of this order be transmitted to the Superintendent of Police, Rural, Patna for information.

(Dharnidhar Jha, J.)

B.Kr.

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